

REMARKS

The Office Action of April 2, 2009 has been received and reviewed. By way of response, Applicant has amended claims 1 and 4. Claims 12-17 have been cancelled since the Examiner has withdrawn them from consideration. For reasons stated herein, it is believed that all currently pending claims are in condition for allowance and notice of this affect is requested.

I. Request for Extension of Time

It is noted that a two-month extension of time is necessary, in order to provide for timeliness of the present response. A request for such an extension is made.

II. Applicants Invention

Applicants invention is directed to a service cartridge which can be positioned inside of the housing of a filter assembly, for use. The filter cartridge is configured to include both filter media and a treatment agent storage and release cartridge. The two are configured together in the service cartridge. In use, the service cartridge is then positioned in a housing. Thus, when it is in the form installed, the cartridge includes no impermeable wall which surrounds the filter media in complete extension between ends of the media. Rather, such a wall surrounding the filter media (in use) results only after the cartridge is installed in a housing.

Claim 1 has been amended to emphasize features relating to this. In particular, it is emphasized that the service cartridge is positioned in a filter housing for use, and the part for installation in the filter housing is as configured. Further, language at 1(e) has been added to emphasize that the media has no impermeable wall therearound in complete extension between ends of the media, when in this form.

This cartridge, then, is unique. In servicing in the field, all the service provider need do is unpack the cartridge, and install it in an existing filter housing on equipment. The housing does not need to be changed out, and no housing component needs to be discarded.

In the Office Action, the Examiner rejected previously pending claim 1 under §102(b) as anticipated by U.S. patent application publication 2002/0195384 to Rohrbach et al. The Examiner focused attention on features of Fig. 5.

It is apparent that the assembly of U.S. 2002/0195384 is a cartridge assembly pre-assembled within a housing. When servicing in the field occurs, the entire housing is removed from the equipment and a new assembly is provided, which includes a new housing. Indeed, the system is inadequate for servicing by which the cartridge is removed from the housing, for a variety of reasons. First, there is no structure provided by which the cartridge can be removed from the housing, without damaging the housing; and, secondly, should such servicing occur, the material 318 would be loose and would spill.

With Applicants assembly, a service cartridge is provided which would be installed in a housing and be removed from the housing, without these issues. It is apparent, then, that the Rohrbach 2002/0195384 reference is readily distinguished.

With respect to the dependent claims, claims 2-11, the distinction raised above is still present. When read in combination with the fact that the service cartridge is configured for installation in, and removal from, a filter cartridge, it is apparent that the features distinguish the art cited by the Examiner.

It is noted that the Examiner raised a §112 second paragraph rejection with respect to claim 4. Claim 4 has been amended to address the issue.

As to independent claim 12, it is noted that it has been clarified that the service cartridge in accord with claim 1 is operably positioned in, and is removable from the housing, as a service part, without damage to the housing. This again serves to distinguish U.S. 2002/0195384.

The secondary references identified by the Examiner, with respect to certain claims, are also avoided. For example Grueschow 4,144,169, again shows only “spin-on” systems in which the cartridge is retained within the housing, and is not removed therefrom. Rather, the entire housing is removed from the equipment and discarded, when servicing is undertaken. There is no way the cartridge of Grueschow can be removed from the housing, without damaging the housing.

Nuefeld et al. 6,488,845 shows a cartridge that can be removed from a housing, but does not show such a cartridge which has the overall features of Applicants claims. Again, then, this reference is distinguished.

III. Double Patenting Rejection

The Examiner raised a double patenting rejection on the basis of U.S. 7,160,451 and 7,238,285 in view Rohrbach 2002/0195384. While Applicants do not necessarily agree with the Examiner's position, and while the amended claims may warrant reconsideration of the point, it is noted that both of U.S. patents 7,160,451 and 7,238,285 are owned by Donaldson Company, Inc., the Assignee of the present application. Thus, resolution of the matter by submission of a terminal disclaimer does not raise substantial issue and is acceptable. Such a terminal disclaimer is submitted herewith.

IV. Summary

To summarize, it is believed that all pending claims 1-11 are in condition for allowance, and a notice to this affect is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: September 1, 2009

Signed: /Randall A. Hillson/
Reg. No. 31,838
RAH:jer

